

(2010) 02 JH CK 0107
In the Jharkhand High Court

Janak Kumar Mishra

APPELLANT

Vs

The State of Jharkhand and Others

RESPONDENT

Date of Decision : 09-02-2010

Acts Referred:

Citation : (2010) 02 JH CK 0107

Hon'ble Judges : Rakesh Ranjan Prasad, J; M.Y. Eqbal, J

Bench : Division Bench

Judgement

1. This Public Interest Litigation was filed about four years back i.e. in 2007 seeking direction upon the respondents to provide City Buses in Ranchi Town and also take all possible steps for controlling the Traffic System in the city.

2. Since the matter was very important and for the interest of public at large this Court as far back as on 24.7.2007 directed the then Advocate General to seek instruction and submit report. Pursuant to that order, on 14.8.2007 a report was submitted by the learned Advocate General together with a resolution adopted in the meeting participated by various officials in the office of Advocate General. In the said meeting they agreed to provide City Buses in different routes in the Ranchi city. On 8.10.2007 a further report was filed by the learned Advocate General regarding meeting convened on 24th September, 2007 attended by Transport Commissioner and other officials stating that ten city buses have already been started plying in the Ranchi city. Since then number of affidavits have been filed by the officers of the Jharkhand Government holding important posts making assurances and promises to provide city Buses and also to make the traffic system in order by widening the road etc. On 18.8.2009, a Bench of this Court passed the following order:

Reference may be made to the order dated 15.07.2009 which reads as follows:

J.C to A.G. Mr. Manish Mishra has stated that an order has been placed for purchase of 90 bushes which are scheduled to be delivered in the month of November, 2009. However, the respondent-State is directed to furnish the action

plan prepared for operating those buses by filing a copy of the action plan through the competent authority of the department of Urban Development.

Mr. Mishra, J.C to A.G., shall also inform this Court regarding the outcome of the offer, which had been made by the Tourism Department, Government of Jharkhand, to run buses in and around Ranchi.

The matter be placed again after four weeks on 11.08.2009., on which date the required copy of the action plan be filed.

Today learned Advocate General submitted that about 90 buses in the City of Ranchi and altogether 250 buses in other cities including Ranchi is likely to reach very shortly.

So far as 90 buses in the Ranchi are concerned, the same will come by the end of October, 2009.

However, learned Advocate General submitted that because of the narrow road in the city of Ranchi including main road, it will create more traffic problem when the city buses will start plying in the city.

We failed to understand as to what is the difficulty in constructing flyovers in some of the major crossings in the city of Ranchi-like Kantatoli crossing, Lalpur crossing, Albert Ekka crossing and crossing at the New Market at Ratu Road and why the Government is not thinking over construction of a flyover right from Raihoay Over bridge up-to Sahid Chowk.

We may take judicial notice of the fact that in all other cities flyovers are being constructed in order to minimize the traffic load on the main road and other roads, why not the Government of Jharkhand is taking steps in the construction of flyovers in the main city.

Learned Advocate General is directed to seek instructions in the matter and file a detailed affidavit.

Put up this case after three weeks.

Let a copy of this order be handed over to the learned Advocate General.

3. Pursuant to the aforesaid order, two affidavits have been filed, one on 7.10.2009 and another today making the same averments that steps are being taken for the improvement of traffic system, constructing flyovers and providing city buses. But nothing concrete has been done till date. On the one hand this Court has been passing order after order and on the other hand, the officers are filing affidavits giving only assurances and promises neither complying any one of them.

4. As a matter of fact, the officers are making mockery of the court's order in as much as not a single direction has been complied with in its true letter and spirit.

5. It is high time, the persons who are in the helm of the affairs must come

before this Court and file personal affidavit as to within what period they shall comply the each and every direction of this Court.

6. We, therefore, direct the Chief Secretary, Government of Jharkhand; the Private Personal Secretary of the Hon''ble Chief Minister; the Transport Commissioner and the Secretary Urban Development Department to appear in person tomorrow i.e. on 10th February, 2010 before the Bench of this Court. We hope and trust that at least this Government will fulfill the needs of the public at large by constructing flyovers, providing city buses and giving other facilities.

7. It is made clear that they shall appear in person in between 10.30 to 1.00 p.m. as per their convenience and when they will appear the case shall be taken up.

8. Let a copy of this order be handed over to learned Advocate General.